

Henderson v. Boudreau, et al. – 23 CV 4802
Tyler v. City of Chicago, et al. – 23 CV 4803

EXHIBIT 3

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Juan Hernandez, et al.

Plaintiff,

v.

Case No.: 1:23-cv-01737
Honorable Jeremy C. Daniel

Reynaldo Guevara, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, May 2, 2024:

MINUTE entry before the Honorable Jeremy C. Daniel: The plaintiffs' motion for entry of a HIPAA protective order used in other Guevara cases [54] is denied. The plaintiffs seek to implement a procedure through which the plaintiffs will be able to review any mental health records that the defendants may subpoena from third parties. According to the plaintiffs, this will allow them to review any third-party productions for documents shielded from discovery by the psychotherapist-patient and doctor-patient privileges. But "[i]f a plaintiff by seeking damages for emotional distress places his or her psychological state in issue, the defendant is entitled to discover any records of that state." Doe v. Oberweis Dairy, 456 F.3d 704, 718 (7th Cir. 2006). Here, the plaintiffs allege they "suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages" because of their wrongful convictions. These allegations place the plaintiffs' mental health at issue, and beyond the reach of the privileges the plaintiffs wish to assert. Of course, the plaintiffs may object as appropriate to any subpoenas issued by the defendants to third parties. The defendants shall submit a word version of the HIPAA protective order to proposed_order_daniel@ilnd.uscourts.gov. Mailed notice(vcf,)

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